

## Cover sheet

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No new subject matter has been entered.

**CLAIMS**

We claim

- (1) (Currently amended) a method ~~and system~~ for selling and/ or distributing a digital audio file wherein said digital audio file comprises
  - (a) an advertisement message part in a digital audio format, and
  - (b) a music entertainment part in a digital audio format.
- (2) (Currently amended) The method ~~and system~~ of claim 1 wherein said advertisement message part
  - (a) directly precedes the music entertainment part, and/ or
  - (b) directly follows the music entertainment part, and/ or
  - ~~(c) is located within (interrupts) the music entertainment part,~~  
and/ or
  - ~~(d) is overlaid (superimposed) on the music entertainment part,~~  
and/ or
  - (e) overlaps with the music entertainment part such that it either interrupts the music entertainment part or is superimposed (overlaid) on the music entertainment part.
- (3) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the advertisement message part and the music entertainment part are integrated into the digital audio file so that both parts are reproduced or played together on a decoding or playback device once a decoding or playback is initialized by a user, hardware, or software.
- (4) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said digital audio file refers to a file format selected from at

least one of the following file formats: MPEG-2.AAC (Advanced Audio Coding), ATRAC3 (Adaptive Transform Acoustic Coding 3), MP3 (MPEG-1. Audio Layer 3), mp3PRO, MS audio (WMA: Windows Media Audio), TwinVQ (Transform-Domain Weighted Interleave Vector Quantization), Q design, RealAudio, AMR-NB, MP4, MIDI, WAV, or any other digital format or electronic music distribution (EMD) system.

- (5) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said advertisement message part is in a digital audio format comprising MPEG-2.AAC (Advanced Audio Coding), ATRAC3 (Adaptive Transform Acoustic Coding 3), MP3 (MPEG-1. Audio Layer 3), mp3PRO, MS audio (WMA: Windows Media Audio), TwinVQ (Transform-Domain Weighted Interleave Vector Quantization), Q design, RealAudio, AMR-NB, MP4, MIDI, WAV, or any other digital format or electronic music distribution (EMD) system.
- (6) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said music entertainment part is in a digital audio format comprising MPEG-2.AAC (Advanced Audio Coding), ATRAC3 (Adaptive Transform Acoustic Coding 3), MP3 (MPEG-1. Audio Layer 3), mp3PRO, MS audio (WMA: Windows Media Audio), TwinVQ (Transform-Domain Weighted Interleave Vector Quantization), Q design, RealAudio, AMR-NB, MP4, MIDI, WAV, or any other digital format or electronic music distribution (EMD) system.
- (7) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said advertisement message part and said music entertainment part are in the same digital audio format.

- (8) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said advertisement message part and said music entertainment part are in different digital audio formats.
- (9) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the digital audio file of the present invention is in an uncompressed digital audio format.
- (10) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the digital audio file of the present invention is in a compressed digital audio format.
- (11) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said digital audio file comprising an advertisement message part and a music entertainment part is sold at a lower price than a digital audio file comprising said same music entertainment part, but no advertisement message part.
- (12) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein playback of said advertisement message part does not take more than preferentially 15%, more preferentially 10% and most preferentially 5% of the time it takes to playback said music entertainment part.
- (13) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said advertisement message part and said music entertainment part are sold, distributed, acquired, accessed, downloaded, delivered, transferred, transmitted and/ or received as parts of the same digital audio file.

- (14) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said digital audio file is sold, distributed, acquired, accessed, downloaded, delivered, transferred, transmitted and/ or received via
- (a) the Internet (including downloading; e-mail; wired; wireless via WiF, 802.11 a/b/g, 802.16); and/ or
  - (b) wireless phone networks based on transmission standards like GSM 900/1800/1900, GPRS, E-GPRS, EDGE, HSCSD, CSD, CDMA, UMTS and 3G networks; and/ or
  - (c) wireless transmission (Bluetooth 1.0; Bluetooth 2.0; Infrared; WiFi; 802.11 a/b/g); and/ or
  - (d) local (computer) stations that might be located in or outside of stores (e.g., music retail stores); and/ or
  - (e) storage devices including CDs, DVDs, Memory Cards, Memory Sticks, Secure Digital (SD) cards, Multimedia (MMC) cards, Compact Flash cards, Smart Media cards, USB Flash Disks, Microdrives; and/ or
  - (f) radio, terrestic, cable or satellite transmission.
- (15) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said advertisement message part advertizes, mentions, and/ or refers to
- (a) physical products including food, drugs, beverages, cars, tobacco, cosmetics; and/ or
  - (b) services such as banking, financial services, travel, leisure activities, phone service, wireless service, cable service; and/ or
  - (c) companies, brands, institutions, corporations, (legal) entities; and/ or
  - (d) entertainment content such as movies, television content, music; and/ or

- (e) events such as sporting events, cultural events; and/ or
  - (f) persons, artists, groups, or individuals; and/ or
  - (g) a general message (e.g., referral to a web site where a specific product can be acquired); and/ or
  - (h) advice; and/ or
- any combination within and/ or between the different groups.

(16) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said advertisement message part comprises

- (a) music; and/ or
- (b) sound; and/ or
- (c) noise; and/ or
- (d) spoken words; and/ or
- (e) a jingle or music branding; and/ or
- (f) voice branding; and/ or

any combination within and/ or between the different groups.

(17) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said music entertainment part is a digital audio format of a single or a digital audio format of a part of a single that is or was listed on the Billboard Hot 100 single charts or Top 40 tracks.

(18) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said music entertainment part is a digital audio format of at least one past, present or future single – independent of the way it is published.

(19) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the content and/ or position of said advertisement message

part can change from playback to playback of the digital audio file of the present invention.

- (20) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein said digital audio file is played-back or reproduced on a computer, decoding device, (portable) MP3 player, (portable) digital music player, (portable) digital audio player, cellular phone, smart phone.
- (21) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the consumer acquires the right to play a specific digital audio file of the present invention for an unlimited number of times by paying a specific price at one point in time.
- (22) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the consumer acquires the right to play one or more digital audio files of the present invention for an unlimited number of times by paying a subscription fee.
- (23) (Currently amended) The method ~~and system~~ of claims 1 ~~and 2~~ wherein the consumer pays a specific price each time the consumer plays a digital audio file of the present invention.
- (24) (Currently amended) a ~~method and~~ system for selling and/ or distributing a digital audio file wherein said digital audio file comprises
- (a) at least one advertisement message part in a digital audio format, and
  - (b) at least one music entertainment part in a digital audio format.

- (25) (Currently amended) The ~~method and~~ system of claim 24 wherein said advertisement message part(s)
- (a) directly precede(s) the music entertainment part(s), and/ or
  - (b) directly follow(s) the music entertainment part(s), and/ or
  - (c) ~~is located within (interrupts) the music entertainment part,~~  
and/ or
  - (d) ~~is overlaid (superimposed) on the music entertainment part,~~  
and/ or
  - (ec) overlap(s) with the music entertainment part(s) such that it/they either interrupt(s) the music entertainment part(s) or is/are superimposed (overlaid) on the music entertainment part(s).
- (26) (Currently amended) The ~~method and~~ system of claim 24 wherein the advertisement message part(s) and the music entertainment part(s) are integrated into the digital audio file so that all parts are reproduced or played together on a decoding or playback device once a decoding or playback is initialized by a user, hardware, or software.
- (27) (Currently amended) The ~~method and~~ system of claim 24 wherein said digital audio file refers to a file format selected from at least one of the following file formats: MPEG-2.AAC (Advanced Audio Coding), ATRAC3 (Adaptive Transform Acoustic Coding 3), MP3 (MPEG-1. Audio Layer 3), mp3PRO, MS audio (WMA: Windows Media Audio), TwinVQ (Transform-Domain Weighted Interleave Vector Quantization), Q design, RealAudio, AMR-NB, MP4, MIDI, WAV, or any other digital format or electronic music distribution (EMD) system.
- (28) (Currently amended) The ~~method and~~ system of claim 24 wherein said advertisement message part(s) is (are) in a digital audio format



comprising MPEG-2.AAC (Advanced Audio Coding), ATRAC3 (Adaptive Transform Acoustic Coding 3), MP3 (MPEG-1. Audio Layer 3), mp3PRO, MS audio (WMA: Windows Media Audio), TwinVQ (Transform-Domain Weighted Interleave Vector Quantization), Q design, RealAudio, AMR-NB, MP4, MIDI, WAV, or any other digital format or electronic music distribution (EMD) system.

- (29) (Currently amended) The ~~method and~~ system of claim 24 wherein said music entertainment part(s) is (are) in a digital audio format comprising MPEG-2.AAC (Advanced Audio Coding), ATRAC3 (Adaptive Transform Acoustic Coding 3), MP3 (MPEG-1. Audio Layer 3), mp3PRO, MS audio (WMA: Windows Media Audio), TwinVQ (Transform-Domain Weighted Interleave Vector Quantization), Q design, RealAudio, AMR-NB, MP4, MIDI, WAV, or any other digital format or electronic music distribution (EMD) system.
- (30) (Currently amended) The ~~method and~~ system of claim 24 wherein said advertisement message part(s) and/ or said music entertainment part(s) are in the same digital audio format.
- (31) (Currently amended) The ~~method and~~ system of claim 24 wherein said advertisement message part(s) and/ or said music entertainment part(s) are in different digital audio formats.
- (32) (Currently amended) The ~~method and~~ system of claim 24 wherein the digital audio file of the present invention is in an uncompressed digital audio format.

- (33) (Currently amended) The ~~method and~~ system of claim 24 wherein the digital audio file of the present invention is in a compressed digital audio format.
- (34) (Currently amended) The ~~method and~~ system of claim 24 wherein said digital audio file comprising at least one advertisement message part and at least music entertainment part is sold at a lower price than a digital audio file comprising said same music entertainment part(s), but no advertisement message part(s).
- (35) (Currently amended) The ~~method and~~ system of claim 24 wherein playback of said advertisement message part(s) does not take more than preferentially 15%, more preferentially 10% and most preferentially 5% of the time it takes to playback said music entertainment part(s).
- (36) (Currently amended) The ~~method and~~ system of claim 24 wherein said advertisement message part(s) and said music entertainment part(s) are sold, distributed, acquired, accessed, downloaded, delivered, transferred, transmitted and/ or received as parts of the same digital audio file.

- (37) The method and system of claims 24, 25, 26 and 36 wherein said digital audio file is sold, distributed, acquired, accessed, downloaded, delivered, transferred, transmitted and/ or received via
- (a) the Internet (including downloading; e-mail; wired; wireless via WiF, 802.11 a/b/g); and/ or
  - (b) wireless phone networks based on transmission standards like GSM 900/1800/1900, GPRS, E-GPRS, EDGE, HSCSD, CSD, CDMA, UMTS and 3G networks; and/ or
  - (c) wireless transmission (Bluetooth 1.0; Bluetooth 2.0; Infrared; WiFi; 802.11 a/b/g); and/ or
  - (d) local (computer) stations that might be located in or outside of stores (e.g., music retail stores); and/ or
  - (e) storage devices including CDs, DVDs, Memory Cards, Memory Sticks, Secure Digital (SD) cards, Multimedia (MMC) cards, Compact Flash cards, Smart Media cards, USB Flash Disks, Microdrives; and/ or
  - (f) radio, terrestrial, cable or satellite transmission.
- (38) The method and system of claims 24 and 25 wherein said advertisement message part(s)
- advertise(s), mention(s), and/ or refer(s) to
- (a) physical products including food, drugs, beverages, cars, tobacco, cosmetics; and/ or
  - (b) services such as banking, financial services, travel, leisure activities, phone service, wireless service, cable service; and/ or
  - (c) companies, brands, institutions, corporations, (legal) entities; and/ or
  - (d) entertainment content such as movies, television content, music; and/ or

- (e) events such as sporting events, cultural events; and/ or
  - (f) persons, artists, groups, or individuals; and/ or
  - (g) a general message (e.g., referral to a web site where a specific product can be acquired); and/ or
  - (h) advice; and/ or
- any combination within and/ or between the different groups.

(39) The method and system of claims 24 and 25 wherein said advertisement message part(s) comprise(s)

- (a) music; and/ or
- (b) sound; and/ or
- (c) noise; and/ or
- (d) spoken words; and/ or
- (e) a jingle or music branding; and/ or
- (f) voice branding; and/ or

any combination within and/ or between the different groups.

(40) The method and system of claims 24, 25 and 29 wherein at least one music entertainment part is a digital audio format of a single or a digital audio format of a part of a single that is or was listed on the Billboard Hot 100 single charts or Top 40 tracks.

(41) The method and system of claims 24, 25 and 29 wherein at least one music entertainment part is a digital audio format of at least one past, present or future single – independent of the way it is published.

(42) The method and system of claims 24, 25 and 26 wherein the content and/ or position of said advertisement message part(s) can change

from playback to playback of the digital audio file of the present invention.

- (43) The method and system of claims 24 and 25 wherein said digital audio file is played-back or reproduced on a computer, decoding device, (portable) MP3 player, (portable) digital music player, (portable) digital audio player, cellular phone, smart phone.
- (44) The method and system of claims 24, 25, 26, 34, 36, 37, 38 and 39 wherein the consumer acquires the right to play a specific digital audio file of the present invention for an unlimited number of times by paying a specific price at one point in time.
- (45) The method and system of claims 24, 25, 26, 34, 36, 37, 38 and 39 wherein the consumer acquires the right to play one or more digital audio files of the present invention for an unlimited number of times by paying a subscription fee.
- (46) The method and system of claims 24, 25, 26, 34, 36, 37, 38 and 39 wherein the consumer pays a specific price each time the consumer plays a digital audio file of the present invention.